

Thus, the defendant seeks a jury trial pursuant to Federal Rule of Civil Procedure 39(b).

“In this circuit, the general rule governing belated jury requests under Rule 39(b) is that the trial court should grant a jury trial in the absence of strong and compelling reasons to the contrary.” *Parrott v. Wilson*, 707 F.2d 1262, 1267 (11th Cir. 1983)(internal quotes omitted). “The district courts have broad discretion when considering Rule 39(b) motions and often freely grant such motions after considering (1) whether the case involves issues which are best tried to a jury; (2) whether granting the motion would result in a disruption of the court’s schedule or that of the adverse party; (3) the degree of prejudice to the adverse party; (4) the length of the delay in having requested a jury trial; and (5) the reason for the movant’s tardiness in requesting a jury trial.” *Id.*

The plaintiff argues that a jury trial should be denied because the defendant has not explained his delay and has not explained why the damages claim is best tried to a jury. (Doc. 7 at 2-3). By its silence, the plaintiff concedes the obvious: that the minimal delay, the absence of prejudice, and the lack of disruption all weigh in favor of granting the defendant’s motion.

With respect to the two remaining factors, the defendant has not offered persuasive reasons.² However, given that he sought a jury trial only one day after he could have demanded it as of right, these factors are insignificant. None of the considerations identified in *Parrott* is independently critical, and the Court need only engage in an overall “balancing” of them. *Sullivan v. School Board of Pinellas County*, 773 F.2d 1182, 1188 (11th Cir. 1985). The Court easily concludes that the balance of the five *Parrott* factors weighs in favor of the defendant’s motion.³

²The defendant argues that he learned for the first time on June 7 both that the plaintiff would use non-party witnesses to claim waiver or ratification and that the plaintiff would seek damages for loss of profits and opportunity. (Doc. 9 at 2). He has not, however, explained how either issue is “best” tried to a jury or why the complaint — with its demand for \$30,000,000 — did not trigger a desire for a jury trial.

³As noted, a district court should grant a motion under Rule 39(b) “in the absence of strong and compelling reasons to the contrary.” *Parrott v. Wilson*, 707 F.2d at 1267. Given the merely technical untimeliness of the defendant’s pursuit of a jury, it is doubtful that such “strong and compelling reasons” to deny the motion would exist even had the balance of the *Parrott* factors not favored him.

For the reasons set forth above, the defendant's motion for jury trial is **granted**. Any disagreement concerning the scope of the issues governed by this ruling should be presented in the final pretrial document.

DONE and ORDERED this 27th day of June, 2005.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE